

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

_____)	
SECURITIES AND EXCHANGE COMMISSION,)	
)	
Plaintiff,)	
)	
v.)	Case No. 1:18-cv-12058-RGS
)	
ROGER KNOX, WINTERCAP SA,)	
MICHAEL T. GASTAUER, WB21 US)	
INC., SILVERTON SA INC., WB21 NA)	
INC., C CAPITAL CORP., WINTERCAP)	
SA INC. AND B2 CAP INC.)	
)	
Defendants,)	
and)	
)	
RAIMUND GASTAUER, SIMONE)	
GASTAUER FOEHR, B21 LTD., SHAMAL)	
INTERNATIONAL FZE, AND WB21 DMCC)	
)	
Relief Defendants.)	
_____)	

**ASSENTED-TO MOTION TO ENLARGE THE DEADLINE TO FILE DISPOSITIVE
MOTIONS**

Plaintiff Securities and Exchange Commission (the “Commission”) respectfully requests that the Court extend the date by which dispositive motions are due from January 14, 2022, to February 22, 2022. Defendants WB21 US Inc., Silverton SA Inc., WB21 NA Inc., C Capital Corp., Wintercap SA Inc., and B2 Cap Inc. (collectively referred to herein as the “Defendants”) and relief defendants Raimund Gastauer, B21 Ltd. and WB21 DMCC (the “Relief Defendants”) assent to the relief requested herein. As grounds for this request, the Commission states as follows:

1. The Commission previously informed the Court that the Defendants submitted offers to the Commission to settle this matter pursuant to which they had agreed to pay

disgorgement, collectively, of \$11,323,255.39, and that defendant Silverton SA Inc. had agreed to pay a civil monetary penalty of \$600,000.

2. Before the Commission would determine whether to accept these offers, the Commission requested that the Defendants escrow to United States counsel a portion of the amount of money they proposed to pay, and to notarize their signatures on the consents. The Commission followed up regularly with the Defendants about these matters in the last several weeks. The Defendants reported through counsel each time that the process to escrow funds and obtain a notary was in process.
3. The Commission followed up, yet again, today about these same issues after receiving no update from the Defendants. In response, around 2 p.m. today—the date on which dispositive motions would be due if a settlement could not be reached—the Defendants informed the Commission that they have “decided to back out of the settlement.”
4. The Commission should not be prejudiced by this unexpected news by having to file substantive and dispositive motions today or shortly thereafter. Accordingly, the Commission respectfully requests that the date by which the dispositive motions must be filed be continued from January 14, 2022, to February 22, 2022.
5. The Defendants and Relief Defendants assent to the relief requested herein.

CONCLUSION

For the foregoing reasons, the Commission respectfully requests that the Court extend the date by which dispositive motions are due from January 14, 2022, and February 22, 2022.

January 14, 2022

Respectfully submitted,
SECURITIES AND EXCHANGE COMMISSION
By its attorneys,

/s/ Eric A. Forni
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CERTIFICATE OF SERVICE

I hereby certify that on January 14, 2022, a true and correct copy of the foregoing document was filed through the Court's CM/ECF system, and accordingly, the document will be sent electronically to all participants registered to receive electronic notice in this case. A copy will also be sent via first class mail and/or email to those parties who have not yet registered for notice via the Court's CM/ECF system.

/s/ Eric A. Forni
Eric A. Forni